

Mail Stop Interference
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Paper 1
Filed 7 December 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARK A. RYDELL
Junior Party
(Reissue Patent 36,795)

v.

CHARLES R. SLATER
Senior Party
(Application 09/177,502)

Patent Interference No. 105,782 (JL)
(Technology Center 3700)

DECLARATION - BD.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Jameson Lee has been designated to manage the
8 interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for 1:00 p.m. (EST)
14 on 20 January 2011 (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3 Named inventors: MARK A. RYDELL, Golden Valley, Minnesota

4
5 Involved Patent: Reissue Patent 36,795, based on Application
6 08/724,997, filed 3 October 1996 -- Reissue of Patent
7 5,352,222, based on Application 08/213,671, filed
8 15 March 1994

9 Title: Surgical Scissors With Bipolar Coagulation Feature

10 Assignee: Everest Medical Corporation

11
12 Senior Party

13 Named Inventor: CHARLES R. SLATER, Fort Lauderdale, FL

14
15 Involved Application: 09/177,502, filed 23 October 1998

16 Title: Bipolar Endoscopic Surgical Scissor Blades and
17 Instrument Incorporating the Same

18
19 Assignee:

20
21 The senior party is assigned exhibit numbers 1001-1999. The junior party is
22 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
23 is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Slater's Application 09/177,502 claim 24

4 or

5 Rydell's Reissue Patent 36,795 claim 15

6
7 The claims of the parties are:

8 Rydell: Claims 1-38

9 Slater: Claims 24-29 and 40-56

10 The claims of the parties which correspond to Count 1 are:

11 Rydell: Claims 15-17

12 Slater: Claims 24-29 and 40-56

13 The claims of the parties which do not correspond to Count 1, and therefore are
14 not involved in the interference, are:

15 Rydell: Claims 1-14 and 18-38

16 Slater: None

17
18 The parties are accorded the following benefit:

19 Rydell: Application 08/213,671, filed October 3, 1996, issued as
20 Patent 5,352,222.

21
22 Slater: Application 08/354,992, filed 13 December 1994
23
24

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see
3 SO ¶ 106.1.1:
4

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7

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12
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14 Junior Party
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17 v.
18

19 CHARLES R. SLATER
20 Senior Party
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26 (Technology Center 3700)
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1 Part H. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for which
5 a copy of a file wrapper is requested.

6
7
8 /JAMESON LEE/
9 Administrative Patent Judge
10

11
12 Revised 3 January 2006
13

14
15 Enc:
16 Copy of STANDING ORDER
17

18
19
20 cc (via overnight delivery):
21

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